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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MICHELE BAILON

v.

**LANDSTAR RANGER, INC. and
CAMARA PERCIVAL, JR.**

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**CIVIL ACTION NO. 3:16-cv-01022-L
JURY**

DEFENDANT'S AMENDED NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **LANDSTAR RANGER, INC.**, Defendant in the above matter, and pursuant to the Court's Order of April 28, 2016, files this Amended Notice of Removal under 28 U.S.C. §§ 1441 and 1332(a).

**I.
BACKGROUND**

1. Plaintiff sued Landstar Ranger, Inc. and Camara Percival, Jr., in the 44th Judicial District Court of Dallas County, Texas, Cause No. DC-16-02623, alleging the negligence of Defendants Landstar Ranger, Inc. and Camara Percival, Jr.

2. Defendant Landstar Ranger, Inc. was served on or about March 18, 2016. Defendant filed its Original Notice of Removal within the time period required. 28 U.S.C. §1446(b).

3. Plaintiff Michelle Bailon is a resident of Texas and domiciled in Dallas, Texas.

4. Defendant Landstar Ranger, Inc. is incorporated in Delaware with its corporate office and principal place of business in Rockford, Illinois. Defendant Percival is a resident of the State of California.

5. Plaintiff's Original Petition, filed contemporaneously herewith, seeks "monetary relief in excess of \$100,000."

II.
BASIS FOR REMOVAL

6. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. §1441(b) because Plaintiff is a citizen of the State of Texas, and Defendant is a Delaware corporation with its principal place of business in Rockford, Illinois and the other Defendant is a resident and/or citizen of the State of California.

7. Because the Plaintiff and the Defendants to this suit do not share citizenship in any state, removal is proper on diversity grounds.

9. Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the Original Notice of removal was filed within thirty days after the receipt of a copy of the initial pleading setting forth the claim for relief, this removal is proper and timely under 28 U.S.C. §1446(b) and complies with the Court's Order.

10. Further, as set forth in Plaintiff's Original Petition, filed with these pleadings here today, the amount in controversy in this action exceeds, exclusive of interest and costs, the sum of Seventy-five Thousand and No/100 Dollars (\$75,000.00). Thus, the amount in controversy meets the threshold for removal.

11. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the state court action was filed and is

pending. This statement is not meant as a waiver of any argument that venue is improper in the location in which the state court action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

12. The live pleadings before the state court are solely those of Plaintiff's Original Petition and Defendant Landstar Ranger, Inc.'s Original Answer. No other motions are pending before the state court. No discovery has been conducted by the parties.

13. All pleadings, process, orders, and other filings in the state court action are attached to this Notice, as required by 28 U.S.C. § 1446(a).

14. Defendant will promptly file a copy of this Notice with the clerk of the state court in which the action is pending.

III. **REQUEST FOR JURY TRIAL**

15. Defendant hereby demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, PREMISES CONSIDERED, Landstar Ranger, Inc., as a party in diversity with the Plaintiff, respectfully requests that this action be immediately and entirely removed upon filing of this Amended Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which it may show itself to be justly entitled in equity or law.

Respectfully submitted,

/s/ Michael P. Sharp

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**ATTORNEYS FOR DEFENDANT
LANDSTAR RANGER, INC.**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 28th day of April 2016 as follows:

Via E-Service & Facsimile

Jason A. Itkin

Cory D. Itkin

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

/s/ Michael P. Sharp

MICHAEL P. SHARP